

REMARKS

The above claim amendments and new claims are submitted with the following remarks to be fully responsive to the final Office Action dated August 29, 2005. It is submitted that all outstanding grounds of rejection are overcome by this response and allowance of claims 37 - 48 is believed in order and respectfully requested.

In the Office Action, the Examiner rejected claims 37-45 under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al (EP 0 733 963 hereinafter Jasinski) in view of Hoeksma (U.S. Patent No. 6,271,835). The Examiner indicated that “Jasinski differs from the claim in that the plurality of softkeys are not provided on the keypad.” However, the Examiner suggests that “Jasinski teaches each of the softkeys 37 including a corresponding touch key 41, actuating touch key 41 actuates the corresponding pseudo key 39 to select the alpha character displayed on the pseudo key.” The Examiner goes on to indicate that “Hoeksma teaches it is old and well known in the art that a data entry and display device having a plurality of softkeys having display thereon and provided on the keypad to be intuitive to a first time user since the input keys are re-labeled in a manner which corresponds to the relative position within the selected input key (see the abstract). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the softkeys of Jasinski to be provided on keypad as taught by Hoeksma to provide a keypad that is intuitive to a first time user since the input keys are re-labeled in a manner which corresponds to their relative position within the selected input key.”

The Examiner acknowledges that the Jasinski reference is deficient with respect to providing soft keys as part of a keypad. Instead, Jasinski teaches providing the pseudo keys 39 (a display image of keys) on a portion of the screen 27 to correspond with soft keys 41 that are provided elsewhere from the keypad with the hard keys, below the screen 27. The soft keys 41 are not themselves provided with display capability (either directly on them or near association), but are aligned to correspond with the alignment of the pseudo keys 39 for association.

By the present amendments to independent method of use claim 37 and terms of new device claim 47, it is submitted that these claims are more distinct from Jasinski than just with respect to the provision of soft keys as part of a keypad. It is further submitted that the device claims 47 and 48 are properly considered with method claims 37 - 46 in that the method of use claims include the device limitations of claim 47, at least, and as such similarly provide distinctions for patentability as set out below.


A data entry and display device is claimed as used and as the device itself, wherein a display provides a display field that is outside of the keypad key arrangement and a display portion that is within the keypad arrangement to be usable for displaying the secondary characters of a selected hard key. Jasinski provides a display of the secondary characters within the display field, for one, and no display portion extends within either separate arrangement of the soft or hard keys for displaying secondary characters of any selected hard key. As such, Jasinski cannot anticipate presently pending independent claims 37 and 47. Moreover, where Jasinski specifically only teaches and relies upon an indication of the soft keys within the display field as distinct and separate from the soft keys, any modification to not only rearrange where the soft keys are provided with respect to the hard keys but to also provide a display aspect within such a rearrangement would be contrary to Jasinski's specific teachings. Accordingly, an attempted combination of Jasinski with the Hoeksma reference would be improper on this basis alone.

Moreover, Hoeksma discloses six soft keys provided with four hard keys, which hard keys first of all do not provide primary and second characters at all. As such, Hoeksma would not provide any suggestion to modify a keypad with hard keys having primary and secondary characters. Furthermore, Hoeksma's hard keys function only to assign characters to the soft keys as they do not themselves include the ability to cause the display of any specific alphanumeric character. As such, Hoeksma may be intuitive as to an ability to assign soft keys from hard keys within a keypad, but only to assign soft keys where the hard keys have no independent function to create a character display. That is why there is also no suggestion to include primary and secondary characters on the hard keys of Hoeksma. Hoeksma therefore cannot provide a suggestion to modify the hard key/ soft key arrangement of Jasinski. As above, any modification of Jasinski as

suggested by the Examiner would be contrary to the specific functionality of the arrangement of Jasinski, particularly in light of the further display distinctions discussed above. Accordingly, allowance of presently pending claims 37 - 48 is believed proper and respectfully requested.

In view of the above remarks, it is respectfully submitted that the foregoing is fully responsive to the outstanding Office Action. Early favorable consideration of the above application is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9805.

Respectfully Submitted,

By: 

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